

APPENDIX C

**FORM LETTERS FOR CONSULTATION WITH
THE STATE HISTORIC PRESERVATION OFFICER
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**



This format is to be used for Section 106 coordination of a determination of NO ADVERSE EFFECT when the SHPO and Sunflower Army Ammunition Plant are not in Agreement.

DATE

[Name]
[Address]

[Name]
Chief, Western Office of Project Review
Advisory Council on Historic Preservation
730 Simms Street, Room 410
Golden, CO 80401

Dear [Name]:

The Sunflower Army Ammunition Plant is [planning/considering/other] the [name of undertaking] at its installation located in Johnson County, Kansas. In consultation with the Kansas State Historic Preservation Officer (SHPO), we have applied the criteria of effect and adverse effect found in 36 CFR Part 800.9 of your regulations to this undertaking and determined that it will have no adverse effect on historic properties. The following documentation is attached for your review:

- a description of the [name of undertaking], including [specify maps, photographs, etc.];
- a description of the historic [property/properties] that [will/may] be affected, including [specify National Register forms or other descriptive documents, photographs, etc.];
- a description of the efforts we made to identify historic properties in the undertaking's area of potential effects, including [specify survey report, etc.];
- a description of how we applied the criteria of adverse effects, and why we found each criterion to be inapplicable to this undertaking; and
- a description of the means we used to solicit the views of the SHPO and [specify affected local governments, Indian tribes, Federal agencies, elements of the public, if any], together with [identify written comments or other documentation of views provided, if any].

[Note: use one or more of the following paragraphs only if relevant.]

Since our determination that this undertaking will have no adverse effect is based on the special exception set forth in 36 CFR Part 800.9(c) [specify subsection (1), (2), or (3)], we are also enclosing [specify research design or scope of work for data recovery under subsection (1), plan for rehabilitation under subsection (2), or covenant or other restriction under subsection (3)].

In making our determination, we have agreed with the SHPO to carry out the following actions to ensure that adverse effect will be avoided:

[list actions agreed to]

By copy of this letter we are notifying the SHPO of our determination. Please review the material enclosed and contact [name and telephone number of contact person] if you have any questions. If we do not hear from you within 30 days after your receipt of this letter, we will assume that you do not object to our determination, and will proceed with [the undertaking/our planning process/our review of the application/etc.], subject to [the agreement noted above, or other action] and the provisions for treating historic properties discovered during implementation of an undertaking contained in 36 CFR Part 800.11.

Sincerely,

[Name]
[Title]

This format is to be used for Section 106 coordination of a determination of ADVERSE EFFECT.

DATE

[Name]
[Address]

[Name]
Chief, Western Office of Project Review
Advisory Council on Historic Preservation
730 Simms Street, Room 410
Golden, CO 80401

Dear [Name]:

The Sunflower Army Ammunition Plant is [planning/considering/other] the [name of undertaking] at its installation in Johnson County, Kansas. In consultation with the Kansas State Historic Preservation Agency (SHPO), we have applied the criteria of effect and adverse effect found in 36 CFR Part 800.9 of your regulations to this undertaking and determined that it will have an adverse effect on historic properties. In accordance with 36 CFR Part 800.5(e), SFAAP requests the Advisory Council to consider participation in the consultation process. Due to this determination of an adverse effect, we are initiating formal consultation between the Sunflower AAP, the SHPO, and the following interested parties: [i.e., traditional cultural groups, local preservation groups, applicants for permits].

The following documentation is provided for each consulting party:

- a description of the [name of undertaking], including [specify maps, photographs, etc.];
- a description of the efforts we made to identify historic properties in the undertaking's area of potential effects, including [specify survey report, etc.];
- a description of the historic [property/properties] that [will/may] be affected, including [specify National Register forms or other evaluative documents (testing report, photographs, etc.)];
- a description of the effect of the undertaking on the historic [property/properties].

In addition, we propose the following means of soliciting the views of the SHPO and the following interested parties [specify affected local governments, Indian tribes, Federal agencies, elements of the public, if any]. [Describe means of soliciting public comment.]

It is to be hoped that this consultation process will result in a Memorandum of Agreement among the Sunflower AAP, the Kansas SHPO, and other interested parties [designate interested parties considered for actual signing of MOA] which will result in the avoidance of significant properties or reduce the effects of this undertaking on significant properties.

Sincerely,

[Name]
[Title]

This format is to be used for Section 106 coordination of a determination of NO EFFECT.

DATE

[Name]
State Historic Preservation Office
Kansas State Historical Society
6425 SW 6th Avenue
Topeka, KS 66615-1099

Dear [Name]:

In consultation with [Name] of your staff and [list other parties if any], we have assessed whether the [name of undertaking] will affect the following historic properties, which as you know from our previous correspondence are located within the undertaking's area of potential effects.

[list of historic properties]

Having applied the criteria of effect found at 36 CFR Part 800.9, we have concluded that the undertaking will have no effect on the historic properties located within the area of potential effects. Our rationale for this determination is as follows*:

[Note: the following are only examples]

[1. The only historic structure within the area of potential effects is Building 123. A decision has been made to retain this building in its current use, while realigning the functions of the 456th Intelligence Division to Building 789, which is not eligible for inclusion in the National Register of Historic Places. Accordingly, the current action will have no effect on Building 123. Documentation is provided in the accompanying report of the investigations.]

[2. Archeological site ##Xx### is the only archeological site identified by field investigation and background research within the area of potential effects (see accompanying report). The range complex that was originally expected to affect this site has been relocated to avoid it; the site will remain in open space and be protected from vandalism.]

[3. Three archeological sites and six buildings are within the area of potential effects. Evaluation of these resources revealed that none are eligible for inclusion in the National Register of Historic Places (see accompanying report of investigations). Accordingly, the current action will have no effect on historic properties.]

If you do not object to our determinations within 15 days, we will assume your concurrence. We would appreciate documentation of your concurrence, however. For your convenience, you may concur with our determinations by simply signing the concurrence line below and returning a copy of this letter to me. Copies of this letter and its enclosures are being provided to the [list other parties].

Please contact [POC name] of this office at [telephone no.] if you need further information or wish to discuss our request.

Sincerely,

[Name]
[Title]

I am in concurrence with the determination of no effect: _____
[State] Historic Preservation Officer Date

[*Another alternative is the discovery of no historic properties; state that no historic properties exist within the area of potential effects and reference accompanying report documenting the survey and evaluation methods and conclusions.]

